

REMARKS

Upon entry of the above amendments, Claims 1, 7, 11, and 20-27 are currently pending in this application.

Claim 1 has been amended in this paper to recite that “R⁴⁺” and R⁵⁺” cannot both be hydrogen atoms at the same time” for a compound claimed therein. Support can be found throughout Applicants’ specification, for example, lines 15-16 at page 5, and lines 14-17 at page 14 of the application as filed.

No new matter has been introduced.

Amendment of any claim herein is not to be construed as acquiescence to any of the rejections/objections set forth in the instant Office Action. Applicants make these amendments without prejudice to pursuing the original subject matter of this application in a later filed application claiming benefit of the instant application.

Rejections under 35 U.S.C. § 102(b)

Claim 1 has been rejected in the Action as allegedly being anticipated by Conti *et al* (“Bollettino Scientifico della Facolta di Chimica Industriale di Bologna (1957), 15, 37-39; hereinafter “Conti”). In particular, the Examiner alleges that Claim 1 has been anticipated by Compound IV at page 37 of Conti. Applicants respectfully disagree.

Nevertheless, without conceding the validity of the Examiner’s allegation and solely for facilitating the prosecution of the present application, Claim 1 has been amended as that compounds recited therein cannot have both of R⁴⁺” and R⁵⁺” as hydrogen atoms at the same time. Accordingly, Applicants submit that the presently-claimed compounds are novel over Conti. Therefore, reconsideration and withdrawal of the rejection on Claim 1 under 35 U.S.C. § 102(b) is respectfully requested.

Claim Objection

In the Action, Claim 11 has been objected as allegedly being dependent upon a rejected base claim. Applicants traverse.

Nevertheless, without conceding the validity of the Examiner's allegation and solely for facilitating the prosecution of the present application, the base claim (i.e., Claim 1) of the instant claim has been amended. Applicants respectfully submit that Claim 1 as amended is now allowable. Therefore, reconsideration and withdrawal of the objection on Claim 11 is respectfully requested.

CONCLUSIONS

In view of the above amendments and remarks, Applicants believe the pending application is in condition for allowance. Should any of the claims not be found to be allowable, the Examiner is requested to call Applicants' undersigned representative at the number below. Applicants thank the Examiner in advance for this courtesy.

The Director is hereby authorized to charge or credit any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 68136(46342).

Dated: July 8, 2009

Respectfully submitted,

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